



3. Pursuant to the Complaint, Plaintiff is an adult individual with an address in New York.

4. Moving Defendant, Fabri-Kal Corporation is a Michigan Corporation with its principal place of business located at 600 Plastics Place, Kalamazoo, MI.

5. Moving Defendant Jason G. Deiter is an adult individual with an address in Luzerne County, PA.

6. Moving Defendant, Two Mitts Inc. is a Michigan Corporation with its principal place of business located at 600 Plastics Place, Kalamazoo, MI.

7. Diversity of Citizenship exists between the Plaintiff, a citizen and resident of New York, and all of the Defendants, citizens of Michigan and Pennsylvania, pursuant to 28 USC 1332(a)(1) and 1441(a) and (b).

8. Said diversity of citizenship existed at the time the action sought to be removed was commenced and continues to the time of the filing of this Notice.

9. The Plaintiff alleges that he was injured on June 2, 2017 in Luzerne County, within the Middle District of Pennsylvania, when he was in an accident involving Defendants' tractor trailer.

10. Removal is based on diversity of citizenship pursuant to 28 U.S.C. 1332(a)(1) and 1441(a) and (b).

11. Removal of this case to the Middle District of Pennsylvania is proper pursuant to 28 U.S.C. §1446.

12. Venue is proper in the Middle District of Pennsylvania pursuant to 28 U.S.C. §1391 as the Middle District is a judicial district in which a substantial part of the events or omissions giving rise to the Plaintiff's claim occurred.

13. Plaintiff has averred in his Complaint that he is seeking damages "in excess of \$50,000."

14. The Plaintiff has alleged that he "suffered a facial laceration, neck laceration, laceration to the left cheek requiring sharp excision using scalpel and scissors and surgical repair with permanent scarring."

15. The Plaintiff has alleged that he has "suffered severe physical pain, mental anguish, humiliation, emotional upset, anxiety and depression."

16. The Plaintiff has alleged that he was "rendered unable to engage in his normal lifestyle and will continue to be unable to engage in his normal lifestyle".

17. The Plaintiff has alleged past and future medical expenses and wage loss expenses.

18. Counsel for the Plaintiff and counsel for the Defendants stipulated that the proper court for removal purposes is the United States District Court for the Middle District of Pennsylvania as the accident occurred in Luzerne County.

19. Based upon Plaintiff's Complaint and the injuries and damages as pled, it is believed, and therefore averred, that the Plaintiff's prayer for damages will be in excess of \$75,000.00, exclusive of interest and costs.

20. Diversity of Citizenship existed at the time the action sought to be removed was commenced and continues to the filing of this Notice. Therefore, Moving Defendants are entitled to removal to the Middle District pursuant to 28 U.S.C. §1332(a)(1), 1391(b)(2), 1441(a) and (b), and 1446(a) and (b).

WHEREFORE, the above action now pending against the Defendants in the Pennsylvania Court of Common Pleas of Philadelphia County is therefore removed to this Honorable Court.

**THE CHARTWELL LAW OFFICES, LLP**

By: /s/ E. Patrick Heffron

E. Patrick Heffron, Esquire  
I.D No.: 93126  
125 North Washington Avenue  
The Connell Building, Suite 240  
Scranton, PA 18503  
Attorney for Defendants